State Bar of Georgia Pro Bono Project



PRO BONO OPPORTUNITIES FOR CORPORATE COUNSEL

Equal justice under the law is perhaps the most inspiring ideal of our society ... it is fundamental that justice should be the same, in substance and availability, without regard to economic status.

Lewis Powell, Jr. Justice, U.S. Supreme Court

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Published by: The State Bar of Georgia Pro Bono Project 800 The Hurt Building 50 Hurt Plaza Atlanta, Georgia 30303

(404) 527-8763 (404) 527-8711 Fax mike@gabar.org www.gabar.org/prob ono.htm

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PRO BONO OPPORTUNITIES FOR CORPORATE COUNSEL

Georgia Pro Bono Publico Ethical Consideration

The Supreme Court of Georgia has promulgated Ethical Considerations 2-24 and 2-25 which read in part:

Historically, the need for legal services of those unable to pay reasonable fees has been met in part by lawyers who donated their services or accepted court appointments on behalf of such individuals. The basic responsibility for providing legal services for those unable to pay ultimately rests upon the individual lawyer, and personal involvement in the problems of the disadvantaged can be one of the most rewarding experiences in the life of a lawyer. EC 2-25(a).

The Ethical Consideration further emphasizes, "The direct provision of legal services to the poor, without an expectation of compensation, is the most important and needed type of probono service." EC 2-25(b).

Effective January 1, 2001, Ethical Considerations 2-24 and 25 will be replaced by Rule 6.1 when Georgia's new disciplinary rules go into effect. The full text of Rule 6.1 is included within the Appendix to this manual. The language of Pro Bono Rule 6.1 in Georgia states a preference for lawyering for the poor over general community service that does not require the skills of a lawyer:

A lawyer should aspire to render at least (50) hours of pro bono publico legal services per year. In fulfilling this responsibility, the lawyer should:

- (a) provide a substantial portion of the (50) hours of legal services without fee or expectation of fee to:
 - (1) persons of limited means; or
 - (2) charitable, religious, civic, community, governmental and educational organizations in matters which are designed primarily to address the needs of persons of limited means. (Rule 6.1)

Lawyers unable to provide direct legal services to the poor are urged to consider alternatives, including the provision of legal services at a reduced fee. Importantly, in recognition of the vital role legal services programs play in ensuring access to the courts, all lawyers are encouraged to contribute financially to legal services programs serving the poor whether or not they are able to volunteer.

Introduction to the Pro Bono Project

The Pro Bono Project of the State Bar of Georgia is a technical support unit within the State Bar. Its mission is to promote equal access to the civil justice system by working to expand the involvement of significant numbers of private attorneys in the delivery of legal services to Georgians in poverty to supplement and support the work of staff attorney programs.

The Pro Bono Project, created by the State Bar of Georgia in 1982 in conjunction with the Georgia Legal Services Program, is a project which assists local bar associations, individual private attorneys and communities in developing pro bono private attorney/bar involvement programs in their areas for the delivery of legal services to the poor. The project also receives support from the Chief Justice's Commission on Professionalism and the Georgia Bar Foundation.

Why Was it Created?

Our judicial system cannot function without the availability of counsel to ensure that all people have effective access to the legal system. The need for legal assistance by low-income Georgians to resolve life-shattering problems is enormous. Legal intervention is often the critical factor that enables a family to remain together or to receive vital financial support. In even the best of times, Georgia Legal Services and Atlanta Legal Aid can serve only a small fraction of the persons who meet program standards and who need legal assistance. Thus, private attorney participation in the delivery of legal services to the poor is absolutely critical.

What is a Pro Bono/Private Attorney Involvement (PAI) Program?

In a Pro Bono/Private Attorney Involvement (PAI) Program, lawyers volunteer their time to represent individuals who cannot afford to pay for the legal services. A variety of different activities are considered Pro Bono/PAI contributions, including:

- Lawyers representing individuals who cannot afford representation.
- Lawyers providing advice at specific locations or to certain groups on a regular basis.
- Lawyers counseling the elderly at Senior Citizens Centers.
- Lawyers addressing low-income groups on legal topics.
- Lawyers offering training in legal or quasi-legal matters.

What Are the Project's Activities and Services?

Under the leadership of an experienced attorney, the Pro Bono Project is available to assist local bar associations, individual private attorneys and community organizations in addressing the unmet civil legal needs of their communities. In addition to offering advice and technical assistance, the Project coordinates pro bono activities throughout Georgia, works with State Bar leadership on ways to increase pro bono contributions, identifies areas where pro bono programs are needed, and disseminates information. Specifically, the activities and services include:

Technical Assistance

Interested groups and individuals are encouraged to contact the project office for technical assistance in developing pro bono programs in their area. The director is available for on-site visits to assist in evaluating local needs and to provide advice with program, training, and materials design.

• Court Reporters Project

The Pro Bono Project coordinates referrals to the GSRA Pro Bono Court Reporters Project, which makes free depositions available in cases handled by legal services staff or pro bono attorneys working with a recognized pro bono program.

Materials

The Pro Bono Project serves as a state clearinghouse for information on the delivery of quality legal services to the poor. We have files of information on pro bono programs and delivery methods, such as Judicare (reduced fee compensation), compensated contractual arrangements, and lawyer referral services from programs statewide and nationally. The Project also publishes a newsletter that provides information on our community and innovations in the delivery of legal services.

Pro Bono Awards

Every year, pro bono awards are conferred by the State Bar during the annual meeting in June. The H. Sol Clark Pro Bono Award goes to the attorney who has done the most to further pro bono activity and legal representation for the poor. The William B. Spann, Jr. Pro Bono Award is given to the bar association or community organization with the most active or innovative pro bono program in Georgia.

How Do Pro Bono Programs Work?

To make certain that the volunteer attorneys spend their valuable time most productively, the following services are provided:

Screening

All clients are screened by the staff of the local program to ensure that they are eligible for free or reduced fee legal assistance.

Case Review

All cases are reviewed prior to referral to determine whether the client has a meritorious case.

Referral

When requested, the program will arrange an appointment at the time convenient to the client and the attorney, and send written confirmation of the referral to both parties.

Resources

Resource materials, as well as access to a law library and national support centers, are available to volunteers. The Pro Bono Project also hosts several listservs, including one dedicated to business law pro bono. The listserv provides volunteers a chance to communicate via e-mail with other volunteers, receive support materials, share ideas, and to post practice questions and answers related to volunteer cases.

Back-up Attorneys

Experienced attorneys in various specialty areas will be available and used to provide back-up assistance to volunteer attorneys.

Costs and Professional Liability Insurance

Many programs will pay litigation expenses for those clients who are within their financial and substantive guidelines. The program also provides malpractice insurance protection for each case referred.

Training

By agreeing to spend a few hours each year on pro bono referrals, the volunteer attorney may participate without charge or for a reduced charge in continuing legal education seminars provided by Georgia Legal Services Program. (See the local PAI Coordinator for details.) Lawyers who accept three cases in a year will receive ICLE discounts.

Meet Our Clients

Legal Services and volunteer lawyer programs need you because:

- About 1 million Georgians live at or below the poverty line according to the U.S. Census
- Nearly 70% of those living in poverty in Georgia are women and children
- A full time minimum wage worker earns only \$11,960 per year to cover rent, transportation, food and clothing.

There isn't much of a paycheck, retirement check or child support left to retain a lawyer when you're poor and have a legal problem. When faced with choosing between paying the rent or medical bills and hiring a lawyer, the poor pay their bills and go unrepresented in court unless they are eligible for a legal services program. We focus on providing services to those most vulnerable, including abused women and children, families about to lose their home or income source, and people with very special vulnerabilities such as the elderly, persons with disabilities, people in institutions and the poor who do not speak English.

Corporate Counsel Can Help Us Beat the Odds

Federal funding for civil legal services programs is debated year after year, and legal services programs continue awkwardly adapting year after year to decreasing federal funding. The truth is volunteer lawyers can never replace federal or state-supported legal services programs; sufficient numbers of volunteers might be available, however, to supplement the work of legal aid and legal services programs. Corporate counsel programs can be an asset to the State's justice system and can extend legal services to persons who otherwise would go unrepresented.

There are nearly 1 million poor people in Georgia, with about 70% of the poor living in small cities and rural areas. About 60% of Georgia's lawyers work in the metro-Atlanta area where only 30% of the poor reside. In Georgia, there is one private lawyer for every 250 people, but only one legal services lawyer for every 10,500 poor people. There are 5 rural counties in Georgia in which no lawyer resides. As is the case in much of the country, in Georgia, legal aid and legal services programs can only meet about 20% of the justice needs of the poor.

Outside the 5-county Atlanta area, pro bono efforts are dependent on Georgia Legal Services Program for organizational support, such as screening of referrals, assignment of cases, and substantive assistance from staff attorneys to volunteer attorneys. Volunteer lawyers are used to assist rural clients, including institutionalized persons, persons in nursing homes, persons with disabilities and language barriers, and others who find their rural isolation compounded by extreme circumstances. Volunteer lawyers also have the opportunity to provide business law services on a pro bono basis to emerging or existing nonprofits that serve the low-income community on affordable housing development, transportation projects, childcare programs, and more.

Incentives for Corporate Counsel Involvement in Pro Bono Service

All private attorneys who volunteer and accept a case from a participating coordinated civil pro bono program will be listed in an honor roll published annually in the Georgia Bar Journal and on the State Bar of Georgia's website. Each year the State Bar confers three pro bono awards during its annual meeting. The *H. Sol Clark Award* is presented to an attorney who has done the most to further pro bono activity and legal representation for the poor. The *William B. Spann, Jr. Pro Bono Award* is given to the bar association or community organization with the most active or innovative pro bono program in Georgia. The State Bar presents its *A Business Commitment Business Law Pro Bono Award* to a lawyer, law firm or corporate counsel program that has provided significant business law services to an existing or emerging nonprofit serving the low-income community in Georgia.

All volunteer lawyers receive certificates of recognition, signed by the Director of the Pro Bono Project and the President of the State Bar of Georgia on an annual basis as a gesture of the Bar's appreciation for their service to the public. We provide vouchers courtesy of the Institute for Continuing Legal Education in Georgia for lawyers who have handled at least three pro bono cases during the calendar year. The vouchers entitle them to a \$100 discount off the cost of an ICLE-sponsored program.

Many participating pro bono programs offer free or reduced fee CLE programs to volunteer lawyers who, in exchange for the CLE, agree to take on one or two pro bono cases. Pro bono programs also offer free periodic training programs to volunteers.

You Choose How to Participate in Pro Bono Service

Join a Volunteer Panel

Pro bono publico is a phrase that encompasses many types of service to the community, the most important of which is the use of your skills as a lawyer. You can be an advocate for justice by representing a senior citizen who has been denied access to health care or by taking on the case of a child with severe learning disorders who needs special education. Most clients face family law issues, such as domestic violence, or consumer law matters, like home repair rip-offs. You could agree to handle one or two cases a year on problems like these, or the lawyers and paralegals in your corporate counsel program could all work together on a special kind of legal clinic or advice line.

• Be a Pro Bono Business Lawyer

The State Bar of Georgia created the *A Business Commitment* Committee, the goal of which is to encourage business lawyers to volunteer their time to handle legal matters for emerging or existing nonprofits serving the poor or for microenterprise efforts within the low-income community. The Committee works hand-in-hand with Georgia Legal Services and the State Bar Pro Bono Project in an effort we call the ABC Project to match volunteer lawyers and community-based groups. Many Georgia nonprofits and emerging nonprofits lack the resources to obtain necessary legal counsel, and many more are unaware that they have a legal issue. Many nonprofits, rushed into creation, need legal audits and advice on corporate restructuring. Volunteer lawyers can handle incorporations, tax exemptions, real property matters, contracts, as well as just about any legal issue arising in the business law context. Corporate counsel programs can also adopt "signature projects" by choosing special issues or unique clients and providing in-depth, long term business law services.

• Share Your Expertise by Telephone or E-mail

Many business law practitioners find that they are best suited to provide back-up support to legal services lawyers or to other volunteer lawyers on legal issues with which they have a volume of experience. For example, you can volunteer your time to provide legal advice or consultations by telephone or e-mail on real property transactions, contracts, divorce settlements, damages appraisals—just about anything. You can also volunteer to draft or review documents by e-mail, prepare legal training materials, or participate in seminars on poverty law issues. Today's technology allows you to do this work while you are sitting at your own desk.

• Help Put a *Dot.Com* after Pro Bono

Corporate counsel programs use or have access to cutting edge technology and information systems. Your program, as part of its pro bono obligation, can find ways to help legal services and pro bono programs by allowing them access to your technology. For example, most legal services

and pro bono programs do not have access to high quality computer scanning equipment. Your program could offer its scanner and a fraction of staff support to scan important documents, news articles, and legal forms. You could also lend your technology staff to a program that needs website design or network troubleshooting. You could help a program produce and publish its newsletter or training materials or even help us secure affordable software.

• Invest in Access to Justice

All lawyers, including those in corporate counsel programs, are urged by Georgia pro bono Rule 6.1 to contribute financially to civil legal services programs. Legal services and legal aid programs in Georgia are efficiently run law firms. These programs and their affiliated pro bono units operate with minimal overhead while delivering high quality legal services to thousands of Georgians. Staff lawyers are well-trained and dedicated. Over 35,000 clients who present emergency legal issues are served annually. However, about 80% of those who apply for services cannot be represented due to lack of funding. Invest in access to justice by contributing financially to legal services programs and their pro bono partners.

Currently, Georgia's two largest civil legal services providers, Georgia Legal Services Program and the Atlanta Legal Aid Society, receive about \$11.00 per poor person in Georgia from the federal Legal Services Corporation. These programs leverage other funding, much of which is earmarked by the respective grantor for specific projects. Civil legal services programs depend on financial contributions from lawyers and law firms, not just for operational expenses, but as a sign of commitment to the program and to the American ideal of equal justice under law.

While financial contributions are crucial to the development and maintenance of quality civil legal services programs, there are other roles for corporate counsel, including serving on fundraising committees and networking with corporate foundations.

Find Out More About Our Community

The legal aid community has strong roots in Georgia. The Atlanta Legal Aid Society recently celebrated its 75th anniversary. Georgia Legal Services, founded in 1972, is much younger, but many of its regional offices and much of its grassroots lawyer support developed out of local bar association legal aid societies, such as those in Macon and Savannah. In the 1940s and 50s, nearly every lawyer in Savannah and Macon participated in the provision of free legal services to those who could not afford a lawyer. When Georgia Legal Services was born, these legal aid societies served as the platform for the new paid staff programs. In 1968, the State Bar of Georgia Younger Lawyers Division was instrumental in the creation of Georgia Indigents Legal Services, a staffed legal service program serving low-income Georgians that was the predecessor of Georgia Legal Services Program.

The history of civil legal services programs is detailed in an article entitled, "The History of Legal Aid in Georgia." H. Sol Clark, former Judge of the Georgia Court of Appeals, authored the article in 1972 for the Georgia Bar Journal. The article is now posted on the website of the State Bar of Georgia at: www.gabar.org/probono.htm. Judge Clark's article credits many well-known and influential Georgia lawyers for their role in providing access to justice for the poor.

You can learn more about Georgia pro bono programs and pro bono opportunities by visiting the State Bar of Georgia's website at: www.gabar.org/probono.htm. In addition to the civil pro bono programs, you can click on the weblinks that will take you to the websites of Georgia Legal Services, the Atlanta Legal Aid Society and other civil legal services providers. Georgia Legal Services (www.glsp.org) and Atlanta Legal Aid (www.alas.org) each have a website and share a common website, www.legalaid-ga.org, which is intended eventually to serve as a portal for all civil advocacy programs in the state.

A Model Pro Bono Policy to Take to Your Colleagues

A Model Corporate Counsel Pro Bono Policy is included in the Appendix to this manual. The Pro Bono Project is available to help your program tailor the policy to suit your needs. Your corporate counsel program can decide to handle family law landlord/tenant or consumer law cases, or you can work with a pro bono program or legal services program to develop a Saturday morning advice clinic. You might decide that your support is best expressed through financial contributions. Whichever direction you take, begin with a program policy. Sit down with the lawyers in your program and discuss the various ways you might contribute. The Pro Bono Project is available to make presentations to your program and answer any questions you might have. We can even tell you what other programs around the country are doing.

Take the First Step

Be a leader in the community. Your company probably already has a community service or relations program. Talk to the director of your program and find out how volunteer lawyering might fit into your company's commitment to its customers. Often, corporate directors are unaware of your obligation to provide free legal services to those who can't afford a lawyer. Use this manual to show how you can meet your ethical responsibilities in a structured program. Your participation in improving access to justice will provide you and your company with wonderful stories to tell about how you made a real difference in someone's life.

Call the Pro Bono Project at: 1-800-334-6865.

Visit us online at: www.gabar.org/probono.htm.

APPENDIX

PART SIX PUBLIC SERVICE RULE 6.1 VOLUNTARY PRO BONO PUBLICO SERVICE

A lawyer should aspire to render at least (50) hours of pro bono publico legal services per year. In fulfilling this responsibility, the lawyer should:

- (a) provide a substantial portion of the (50) hours of legal services without fee or expectation of fee to:
 - (1) persons of limited means; or
 - (2) charitable, religious, civic, community, governmental and educational organizations in matters which are designed primarily to address the needs of persons of limited means; and
- (b) provide any additional services through:
 - (1) delivery of legal services at no fee or substantially reduced fee to individuals, groups or organizations seeking to secure or protect civil rights, civil liberties or public rights, or charitable, religious, civic, community, governmental and educational organizations in matters in furtherance of their organizational purposes, where the payment of standard legal fees would significantly deplete the organization's economic resources or would be otherwise inappropriate;
 - (2) delivery of legal services at a substantially reduced fee to persons of limited means; or
 - (3) participation in activities for improving the law, the legal system or the legal profession.

In addition, a lawyer should voluntarily contribute financial support to organizations that provide legal services to persons of limited means.

Model Corporate Counsel Pro Bono Policy

MODEL CORPORATE PRO BONO POLICY

Introduction

The purpose of this memorandum is to record the corporate counsel program policy of encouraging pro bono activity and to describe the procedures which will be followed by program in handling pro bono matters.

Georgia Rules of Professional Conduct

Georgia Rule 6.1 (Effective 1/1/01, supplanting EC 2-25) provides as follows:

"A lawyer should aspire to render at least 50 hours of probono publico legal services per year. In fulfilling this responsibility, the lawyer should: (a) provide a substantial majority of the 50 hours of legal services without fee or expectation of fee to: (1) persons of limited means or (2) charitable, religious, civic, community, governmental and educational organizations in matters which are designed primarily to address the needs of persons of limited means[.]"

The comment on this rule states as follows:

"Every lawyer, regardless of professional prominence or professional work load, has a responsibility to provide legal services to those unable to afford to pay, and personal involvement in the problems of the disadvantaged can be one of the most rewarding experiences in the life of a lawyer."

The Corporate Counsel Commitment

The Program believes that pro bono matters are an important part of its overall responsibility. It is part of every lawyer's professional responsibility to provide pro bono legal services to those in need, and the program wishes to create an environment in which its individual lawyers will be encouraged to meet their responsibility by handling pro bono matters.

The program believes that pro bono matters must be handled with the same level of professional competence as any matter handled by the program.

Coordinated Delivery of Services

The Corporate Counsel Program endorses the concept of the coordinated delivery of legal services to the poor and will promote volunteerism by supporting structured pro bono programs. The program recognizes the importance of integrating its work into the overall delivery of legal services to the poor and to organizations serving the poor.

Administration

Pro Bono Coordinator. The Corporate Counsel Program has named ______ as its Pro Bono Coordinator. The Pro Bono Coordinator has the responsibility for managing the pro bono efforts of the program and its individual lawyers. All matters proposed to be undertaken by the firm or an individual lawyer on a pro bono basis shall be reviewed by the pro bono coordinator, who will ensure that:

- 1) Acceptance of the matter is compatible with overall workload constraints;
- 2) There is no legal or business conflict with an existing client:
- 3) The legal issue raised is not frivolous or untenable;
- 4) There will be adequate supervision; and
- 5) The case is appropriate for pro bono representation.

Recording of Time and Handling of Expenses. Time spent on authorized pro bono matters will be counted as part of total productive hours and shall be considered for the purpose of performance evaluations and compensation.

It is expected that waiver offees for indigent clients (See O.C.G.A. 9-15-2, 4) will be sought where appropriate. However, the program will devote the resources of the support staff—legal assistants, secretaries, word processing, duplicating, and the like—to pro bono matters. Assignments of lawyers and legal assistants and non-reimbursable expenses of a non-routine nature must be cleared in advance by the pro bono coordinator.

Poverty Guidelines Used to Determine Eligibility for Civil Legal Services Programs

FINANCIAL ELIGIBILITY 2000 POVERTY INCOME GUIDELINES **

FAMILY	100% POVERTY		125% POVERTY		187.5% POVERTY	
SIZE	YEARLY	MONTHLY	YEARLY	MONTHLY	YEARLY	MONTHLY
1	8,350	696	10,438	870	15,656	1,305
2	11,250	938	14,063	1,172	21,094	1,758
3	14,150	1,180	17,688	1,474	26,531	2,211
4	17,050	1,421	21,313	1,776	31,969	2,664
5	19,950	1,663	24,938	2,079	37,406	3,117
6	22,850	1,904	28,563	2,380	42,844	3,570
7	25,750	2,146	32,188	2,683	48,281	4,023
8	28,650	2,388	35,813	2,985	53,719	4,477
For each additional family member add	2,900	242	3,625	302	5,438	453

^{** 125%} of poverty figures followed by Georgia Legal Services Program; up to 185% allowed under narrow circumstances.

VOLUNTEER PLEDGE FORM

Name & Bar #	Telephone		
Address			
I am willing to provide my services in the following	ng areas of law:		
FAMILY LAWDivorces UncontestedContested without a childContested with childModificationPaternityBattered Spouses/ChildrenAdoptionsGuardianship of MinorsINCOME MAINTENANCESocial SecuritySSISSDUnemploymentWILLS/PROBATE MATTERS Please indicate the counties in which you practice	HOUSINGLandlord/TenantDispossessory CONSUMER FINANCEBankruptcyCollection DefenseCreditEDUCATION ISSUESAGRICULTURAL EMPLOYMENTIMMIGRATIONOTHERand wish to receive referrals:		
 Number of cases I will accept on a pro bon o (non-configuration below) is available in your it? Yes No I am willing to accept cases on a reduced fee or pay Do you speak any foreign language(s)? If so, play 	rour area, would you be interested in learning more about rement plan basis Yes No		
SIGNATURE	DATE		

VOLUNTEER INFORMATION: Georgia lawyers may volunteer through the Pro Bono Project to represent those unable to afford representation in civil cases throughout 159 Georgia counties. In a few counties, they may also receive compensation under the Judicare Program. Fees vary from \$25.00 to \$45.00 per hour, with some maximums set. Lawyers are also asked to volunteer on a strictly pro bono (free) basis. There is no charge for a lawyer to participate in this program and malpractice coverage is provided. The programs do not refer criminal cases. Most referrals are in the areas of family law, income maintenance, housing and consumer finance. Thank you for your pledge.

09/00

Business Law Pro Bono Volunteer Pledge Form
Equal Justice Under Law

How can business lawyers and other non-litigators in private practice who are anxious to make a pro bono contribution volunteer their unique skills on behalf of groups serving the needs of poor people and low-income communities? he Pro Bono Project of the State Bar of Georgia is pleased to sponsor "A Business Commitment" (ABC), a field service project designed to match business lawyers with community development corporations, charitable organizations, low-income housing groups and other similar organizations serving low-income Georgians that cannot afford to hire lawyers. Possible areas of assistance, in addition to general business advice, include the law of partnerships, real estate, tax, labor, non-profits, contracts and finance. fter screening requests from appropriate organizations, ABC staff will refer accepted requests to members of the ABC Committee of the State B ar of Georgia who will handle the matter without charge or will recruit attorneys to handle the matter. Requests will be accepted from anywhere in Georgia and every attempt will be made to match requests with an attorney or law firm in the client's area. Priority will be given to applicants outside the five (5) metropolitan Atlanta counties. The duration of the relationship between the client organization and its ABC lawyer may be lengthy or short, depending upon the nature of the project and the agreement of the parties. n a partnership between the community and private lawyers we can do more to build and rebuild the social and economic infrastructure of our communities. We are interested in your comments and suggestions about how we can make this partnership work. f your firm or corporate law department is interested in participating in ABC, or if your organization is in need of assistance from the project, please contact: Mike Monahan, Pro Bono Director, State Bar of Georgia, 104 Marietta Street, Suite 100, Atlanta, GA 30303, (tel.) 404-527-8700, (fax) 404-527-8711 or complete and mail the attached form. under the or comporate counsel program is willing to participate in ABC. Specifically, we would be interested in working on the following types of cases or projects: We would like additional information, specifically: Name: Law Firm or Corporate Counsel Program:

Equal Justice Under Law

Address:

Phone/e-mail address:

Financial Contributions Campaign (POCKET)